

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

JOE JOHNSON,)	
)	
Movant,)	
)	
v.)	Case No. CV411-134
)	CR409-003
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Movant seeks leave to amend his 28 U.S.C. § 2255 motion. (Doc. 3.) Since the time for amending as a matter of course has not yet passed, *see* Fed. R. Civ. P. 15(a), his motion to amend is **GRANTED**.¹ He also seeks leave to undertake discovery pursuant to Rule 6(a) of the Rules Governing Section 2255 Proceedings. (Doc. 4.) That motion is **DENIED**.²

¹ The Federal Rules of Civil Procedure are applicable in § 2255 proceedings to the extent they do not conflict with any statutory provisions or the § 2255 Rules. *See* Rule 12, Rules Governing Section 2255 Proceedings.

² Unlike the usual civil litigant in federal court, Johnson is not entitled to discovery as a matter of course. *Wellons v. Hall*, 554 F.3d 923, 925 (11th Cir. 2009) (Rule 6(a) provides that “[a] party shall be entitled to invoke the processes of discovery available under the Federal Rules of Civil Procedure if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise.” Rule 6(a). One shows such “good cause” for discovery by making specific allegations that show reason to believe that, if the facts are fully developed, one will be able to demonstrate entitlement to habeas relief. *Wellons*, 554 FF.3d at

SO ORDERED this 12 day of July, 2011.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

925. At this time, the Court is of the opinion that Johnson has not shown good cause to undertake discovery on his run-of-the-mill search and seizure and ineffective assistance of counsel claims.